

## CFS-40 CAN INVESTIGATION REPORTING INSTRUCTIONS

### ABUSE AND/OR NEGLECT REPORTED (Field 6)

REQUIRED (1st); REQUIRED IF APPLICABLE (2nd – 4th)

ENTER: The two-digit code(s) which represents the type of abuse and/or neglect which was reported.

CODES: See below

EDITS: Must be a valid code, if entered

NOTES: This element has four areas to enter a code. The first entry is required. The other entries should be made only if more than one type of abuse or neglect is alleged.

DEFINITIONS: This is the type(s) of abuse and/or neglect of any child included on this form alleged by the reporter to your agency.

### CODES: ALLEGATIONS OF TYPE OF MALTREATMENT

11 Physical Abuse

#### Sexual Abuse:

- 21 Sexual contact/intercourse
- 22 Sexual exploitation
- 23 Prostitution
- 24 Forced viewing of sexual activity
- 25 Mutual sexual activity *involving* minors (*indicates no specified maltreater*)
- 26 *other sexual abuse (e.g., Ch.948.10 - Exposing genitals or pubic area)*

#### Neglect:

- 31 Neglect-general lack of care, medical care, hygiene, unsafe or unhealthy living conditions, nutrition, shelter
- 32 Medical Neglect of a disabled infant (Baby Doe)
- 33 Lack of supervision-leaving a child alone or with inadequate caretaker
- 34 Abandonment
- 35 Failure to thrive
  
- 41 Emotional damage
  
- 51 Circumstances and conditions that justify a belief that abuse or neglect is likely to occur-  
\*use this code for the reportable condition of *reason to believe that a child has been threatened with abuse or neglect and that abuse or neglect will occur.* Field 30-  
Findings- Use this code to indicate the above allegation or a finding that abuse or neglect is likely to occur.

MALTREATER RELATIONSHIP (Alleged or Actual Maltreater)(Field 25)

REQUIRED

ENTER: A two-digit code to designate the maltreater's or reported maltreater's relationship to the child.

CODES: See next page.

EDITS: Must be a valid code.

NOTES: For each maltreater (A, B, or C) who is an actual or reported maltreater to this child. The CPS Investigation Standards recognizes the role of CPS is different in cases of maltreatment by parents versus people outside the family. See the CPS Investigation Standards for additional discussion of the relationship of the maltreater to the child.

MALTREATER RELATIONSHIP CODES:

**PRIMARY CAREGIVERS**

- 11 Parents
- 16 Step parent
- 50 Partner or Friend of Parent/Sharing or intermittently sharing a child's dwelling
- 51 Siblings, or Step Siblings
- 52 Other Close Relatives or Those Sharing the Child's Dwelling
- 60 Foster Parent
- 61 Individuals who share a Foster Home
- 62 Other Primary Caregiver

**Child in Need of Services**

- 66 Child in family NM (Not Mature)**
- 67 Child in foster home NM**
- 68 Child in other licensed facility NM**
- 69 Other child NM**

**DEFINITION & NOTE:**

*The above codes (66-69) are to be used in cases where it is determined that the child alleged to be the maltreater is not mature (due to chronological age or development) and therefore it would not be appropriate to name them as a maltreater. Utilizing this code will indicate that the alleged child was involved and may need services, but will not substantiate them as a maltreater. A substantiated finding will reflect that an incident occurred with an identified victim, but not a maltreater. Identifying information pertaining to this child should still be recorded in fields 14-16. Refer to example #7 in the addendum for further illustration. These codes are only to be used when substantiating an allegation of maltreatment. If upon assessment the allegations are unsubstantiated, the CFS-40 should be coded using Maltreater Relationship codes other than 66-69. For example: 93 - Peer Maltreater; 91 - Neighbor.*

## SECONDARY CAREGIVERS

### Child Care Provider in:

- 70 Licensed day care center
- 71 Certified family daycare provider
- 72 Non-certified family daycare provider
- 73 Child care provider in home of child (babysitter, nanny, family friend or neighbor who is caring for child)
  
- 80 Teacher/ Other school employee
- 81 Staff of a group home or caring institution (residential treatment center for children and youth) or other residential care facility
- 82 Staff at a juvenile correction facility
- 83 Youth organization staff or volunteer –(e.g., YMCA staff, scout leader, 4-H)
  
- 84 Relative not sharing child's dwelling – aunt, uncle, cousin, et. al.
  
- 85 Other secondary caregiver

## NON-CAREGIVER

- 90 Stranger
- 91 Neighbor
- 92 Family Friend
  
- 93 Peer Maltreater
- 94 Mutual Contact- Note: In cases of mutual contact or mutual sexual activity, leave the maltreater information area (lines 13, 14, 15 and 16) blank and use code 94- Mutual Contact in this field (25).
  
- 65 Other non-caregiver
- 98 Maltreater not verified** *(To be used in situations where alleged maltreater was not interviewed by CPS or law enforcement. Remember that allegations of abuse or neglect can be substantiated if there is a preponderance of the evidence that maltreatment of the child occurred. This means that an allegation can be substantiated without interviewing the alleged maltreater. In this situation, the CFS-40 form should contain information pertaining to the alleged maltreater in Fields 13-16 (Maltreater Information). Field 25 (Maltreater Relationship) should contain the code 98 – Maltreater not verified. No check should be placed in Field 29 (Maltreater Involved) as you are not able to say for sure that the alleged person is the maltreater. A substantiation decision must still be made in Field 30 (Findings). All agency records should be consistent throughout. Refer to Numbered Memo DCFS 99-12, Case Finding Determinations in Child Abuse and Neglect.)*
  
- 99 Unknown

**Note:**

***Mutual Sexual***

**Activity (Code 25) -** Mutual Sexual Activity – The following is a definition and instructions for documenting substantiated or unsubstantiated mutual sexual activity.

Substantiated Mutual Sexual Activity = there is a preponderance of the evidence that sexual contact or sexual intercourse occurred that was mutual and had no aspects of assault, coercion or exploitation.

*If mutual sexual activity occurred, there is no maltreater; therefore, the maltreater information area (Fields 13 – 16) should be left blank. Field 25 – Maltreater Relationship – should contain the code 94 to indicate mutual sexual activity involving minors.*

*Each CFS-40 form should contain information pertaining to only one child/family unit. Therefore, if a referral is received concerning mutual sexual activity between two children under the age of sixteen from different families, a separate CFS-40 form should be completed for both children involved. Information pertaining to the child(ren) in one family unit should be placed in fields 18-20. In Field 29 – Maltreater Involved – the code of 94 (Mutual sexual activity) should be placed in one of the boxes under columns A, B or C (it does not matter since you are not identifying or associating the contact to any maltreater)*

*Please refer to Addendum for further clarification and case examples related to mutual sexual activity.*

**DETERMINATIONS FOR CONDITIONS OR CIRCUMSTANCES THAT JUSTIFY A BELIEF THAT ABUSE OR NEGLECT IS LIKELY TO OCCUR (CODE 51):**

L= Likely to Occur – there is a preponderance of the evidence that justifies a belief that abuse or neglect is likely to occur.

NF= Not Found Likely to Occur – There is not a preponderance of the evidence that justifies a belief that abuse or neglect is likely to occur, or evidence gathered lends weight to the belief that the likelihood of abuse or neglect is not significant or is low.

## **ADDENDUM TO “CFS-40 CHILD ABUSE AND NEGLECT INVESTIGATION REPORT INSTRUCTION”**

### **Mutual Sexual Activity**

In order for counties, the state and the federal government to have a clear and accurate picture of the incidence of harm to children, cases of mutual sexual activity involving children are to be coded differently on the CFS-40 form than cases of sexual assault of children. Wisconsin statutes define sexual contact or intercourse with a child 15 years of age or less as sexual abuse; consent in these cases is irrelevant from a legal perspective. However, consent is relevant for understanding the incidence of harm to children and determining the need for intervention and services, as well as for purposes of correct coding of mutual sexual activity between minors on the CFS-40 form. For these reasons, cases of mutual sexual activity are to be coded differently than cases of sexual assault.

Mutual sexual activity is defined as sexual contact or sexual intercourse (regardless of age), that is mutual and has no aspects of assault or coercion or exploitation.

In assessing allegations of sexual contact/intercourse, county departments must make a substantiation determination of whether or not sexual contact/intercourse occurred. Further determination needs to be made regarding whether or not the contact/intercourse was mutual. If the county department determines that mutual sexual activity occurred, then no person is identified in the record as the maltreater, regardless of age. Subsequently, documentation on the CFS-40 should reflect the same information.

Under Wisconsin Statutes consensual sexual activity involving sixteen and seventeen-year olds is not child abuse; therefore, they need not be assessed. Counties have a responsibility to assess sexual contact/intercourse only if one or more of the people involved is under the age of sixteen. [However, if it is alleged that any child involved was physically injured during the contact the agency must assess the situation as related to the injured child, regardless of age] Therefore, if a referral is received concerning mutual sexual activity involving a sixteen or seventeen year old and another child fifteen-years old or younger, only the child fifteen-years old or younger is assessed. Furthermore, with cases of mutual sexual activity, only information pertaining to the child fifteen-years old or younger should be documented on the CFS-40 form.

It is also possible for counties to determine that sexual contact between a child fifteen years old or younger and a person eighteen years old or older was mutual sexual activity. A thorough assessment is needed to determine the dynamics of the relationship and the functioning ability of the parties involved. Careful consideration should be given in these cases in determining the true mutuality of the contact. Relationships must be void of any exploitation. Children may feel pressured into having sexual contact due to dynamics in a relationship. This pressure may not take on the form of force or threat, so it needs careful and thorough assessment by the worker. Age difference is another factor to take into consideration. Many communities have adopted a four- year age difference as a guideline for determining sexual abuse. However, it is important to take into account social, emotional and intellectual age as well as chronological age when making these determinations.

Accurate Documentation:

Since the purpose of the CFS-40 form is to accurately document CAN allegations, findings and services provided to children and families, **it is imperative that each CFS-40 form contain information pertaining to only one child/family unit.** Therefore, if a referral is received concerning mutual sexual activity between two children under the age of sixteen from different families, a separate CFS-40 form should be completed for each child involved. This ensures that information pertaining to each child/family involved will be clearly reflected and there will be no compilation of duplicate information. *Please refer to attached case examples 3, 4 and 5 for further illustration.*

Since information pertaining to family units will now be gathered, there may be more than one CFS-40 form completed concerning the same incident. Counties are encouraged to devise their own system to track this for their own purposes. For example, counties may decide to give the same CAN investigation ID number to two CFS-40's because they concern the same referral incident. In order to keep this information clear for its own records, a county may wish to designate one as case A and the other as B.

Information both reported **and** discovered during assessment needs to be documented in the record. Therefore, the actual allegations that were reported to the agency, as well as any additional findings identified during assessment must be recorded on the CFS-40 form. If a reporter expresses concerns regarding sexual abuse, this information **must** be documented on the intake form, as well as on the CFS-40 form in field #6 (A/N type – code “21”). Fields #14 through #16 (Maltreater Information) should include information pertaining to the alleged maltreater; information pertaining to the alleged victim should be documented in fields #18 through #30 (Child and Incident Information). The finding of this allegation must be reflected in fields #28 (A/N type) and #30 Findings). Information in fields #25 (Maltreater Relationship) and #29 (Maltreater Involved) must be consistent with field #13 (Maltreater Information).

If upon assessment of an allegation of sexual abuse a determination is made that sexual contact/intercourse occurred, but that it was mutual in nature, then this finding would **also** go into the record and be reflected on the CFS-40 form. The information and substantiation decision concerning the allegation of sexual abuse would be documented as noted above. Also on the same form, information indicating that mutual sexual activity occurred would be documented. A code of “25” (Mutual sexual activity between minors) would be placed in field #28 (A/N type) and a substantiation in field #30 (Findings) for each child (age fifteen or younger) involved (if they are in the same family). In field #29 (Maltreater Involved), there is no maltreater because the activity is mutual. Therefore no checks are placed under columns A, B, or C. However, “94” (Maltreater Relationship – Mutual Sexual Activity) should be placed in one of the boxes to further clarify the contact and relationship. *\*Note: Only information about the abuse/neglect type that was reported to have occurred is placed in field #6. If further information is discovered upon assessment, these allegations and the findings are placed in fields #25 (Maltreater Relationship), #28 (A/N type) and #30 (Findings) (also #29(Maltreater Involved) if applicable).*

**Example:** A reporter calls alleging sexual abuse to a fifteen-year old by a sixteen-year old. Upon assessment it is determined that the activity was consented to by both parties. To accurately reflect this information on the CFS-40 form, the worker needs to document both the referral allegation, and the finding upon assessment. The code “21” (sexual contact/intercourse) should be placed in field #6 (A/N type). Based upon this allegation, information pertaining to the sixteen-year old should be contained in fields #14- 16 (Maltreater Information) and information pertaining to the fifteen-year old in fields #18- 30 (Child and Incident Information). The finding in field #30 (Findings) for sexual assault (“21”) would be unsubstantiated (U). It is then necessary to clearly document the finding that *mutual sexual activity* occurred. To reflect this accurately, only information relating to mutual sexual activity pertaining to the fifteen-year old should be documented, since CPS does not have a responsibility to assess mutual sexual activity of children sixteen years of age

or older. In field #25 (Maltreater Relationship), the code of “94” (Mutual sexual activity) should be used. (This is the **ONLY** instance in which this code can be used.) In field #28, the code of “25” (Mutual sexual activity between minors) must be documented with a substantiated finding in field #30 (Findings). *Please refer to the attached case sample (Example #1) CFS-40 form detailing this information.*

If a case similar to the one described above was received involving sexual activity between a fifteen-year old and an eighteen-year old (and all the other information was the same), the information would be recorded on the CFS-40 form in exactly the same way.

## **Findings**

Based upon information gathered during the initial assessment, a determination must be made as to whether or not maltreatment occurred. A finding of “N” – *Critical Sources of Information Not Accessible – Unsubstantiated* cannot be used simply because a worker is struggling to make a decision. A thorough assessment of the information gathered must be done in order to reach a decision. This finding is to be used only in situations where a critical source of information cannot be found or accessed, and avenues to obtain this information have been exhausted.

If the agency makes a finding that abuse/neglect is likely to occur, the code of “51” must be placed in field #28 (A/N type) with a finding of “L” (Likely to Occur) in field #30 (Findings). A finding of “L” can **only** be used with the code “51” and cannot be used with any other allegations of abuse or neglect. Refer to Numbered Memo DCFS 99-12 (Case Finding Determinations in Child Abuse and Neglect) or the CFS-40 instructional booklet for further information regarding findings.

## **QUESTIONS AND ANSWERS**

**(October 2000)**

- Q.** When a referral is received concerning two children from different families having sexual contact/intercourse with each other, should the information be written on separate intake forms (one for each child)? Also, when documenting the information received at intake, as well as the substantiation decision on the CFS-40 form, should the information obtained be reflected on one CFS-40 form or on a separate form for each child/family involved?
- A.** Since the purpose of CPS involvement is to determine the child or families need for protection or services, a separate referral and intake form should be written for each child/family unit involved. Similarly, information pertaining to each child/family unit should be reflected and documented on separate CFS-40 forms. The information on the CFS-40 form reflects not only what decision was made with regard to the allegation, but also information pertaining to family functioning and services provided to that child and family. *\*NOTE: In cases of mutual sexual activity, information is only recorded on children fifteen-years old or younger. Therefore, if a report is received alleging mutual sexual activity between a sixteen or seventeen-year old and a child fifteen-years old or younger, only one CFS-40 form is completed to reflect the information pertaining to the child age fifteen or younger. More is discussed on this later.*
- Q.** If a call is received by the county and the only information reported is that two children (two fifteen-year olds or even a fourteen-year old and a seventeen-year old) are having sex, is the worker to assume that the reporter is alleging abuse and write it up as abuse (one victim, one maltreater), or should the worker assume, unless it is specifically stated that one child is abusing the other, that the contact is thought to be mutual (a referral written for each child/family involved)?
- A.** It is the responsibility of the intake worker to elicit as much information as possible from the reporter to aid in the screening decision process. Therefore, the intake worker needs to carefully question the reporter regarding the information the reporter has concerning the contact (e.g., how the reporter came to know this, any details) and the reporter's impressions and concerns regarding the contact. **Unless specifically reported** that one child has abused another, a referral should be written on each child (under the age of fifteen) involved and each family assessed for the need for services.
- Q.** How do I accurately code mutual sexual activity on the CFS-40 form?
- A.** If at the point of intake it is reported that mutual sexual activity occurred, the code of "25" (Mutual sexual activity between minors) is placed in field #6(A/N type). Remember that CPS only assesses mutual sexual contact involving children aged fifteen years or younger. This means that if a report is received alleging that a fifteen-year old and a sixteen-year old engaged in mutual sexual activity, only the fifteen-year old is assessed. Subsequently, only information pertaining to the fifteen-year old is reflected on the CFS-40 form. Therefore, in this situation, information pertaining to the fifteen-year old would be placed in fields #18 through #3(Child and Incident Information). Fields #13 through #16 (Maltreater Information) are to be left blank in instances of mutual sexual activity (since there is no alleged maltreater). In cases of mutual sexual activity, a code of "94" (Mutual Sexual Activity) is to be placed in field #25 (Maltreater Relationship). This code is again to be

placed in the corresponding box in field #29 (Maltreater Involved) with a finding placed in field #30 (Findings). [Since there is no alleged maltreater in cases of mutual sexual activity, no maltreater is checked or identified in field #29 (Maltreater Involved).] The code of “94” (Mutual Sexual Activity) placed in a box only serves to further identify and clarify that the contact that occurred was mutual. The code of “25” (Mutual Sexual Activity) must also be placed in field #28 (A/N type). If the two subjects involved in the, mutual sexual activity are both under the age of sixteen and are from separate families, a CFS-40 form is completed for each of them, with only information pertaining to one child placed on each. *Reference examples 3, 4 and 5 for further illustration.*

**Q.** If I receive a referral alleging sexual abuse, but upon assessment I find that the contact that occurred was mutual sexual activity, how do I reflect this on the CFS-40 form?

**A.** Remember that the CFS-40 form is to document and reflect both the allegations received at intake and the findings upon assessment. In this case, the code of “21” (Sexual contact/intercourse) is to be placed in field #6 (A/N type) [allegations made at the time of referral]. The name of the person alleged to be the maltreater and information pertaining to this person are to be placed in fields #14 through #16 (Maltreater Information). Information pertaining to the alleged victim is to be placed in fields #18 through #30 (Child and Incident Information). Field #30 (Findings) should contain a “U”, (correlated with “21”(Sexual contact/intercourse) in field #2(A/N type)) since it was determined that abuse did not occur. Field #25 (Maltreater Relationship) must contain an appropriate relationship code. With allegations of sexual abuse, the code of “94” (Mutual Sexual Activity) **cannot** be used, since it only corresponds with the A/N type of “25” (Mutual Sexual Activity). By completing the CFS-40 form with the above information, you have clearly reflected the allegations in the referral (sexual abuse) and the decision made with regard to this.

However, you now need to clearly document the information you found during your assessment – that mutual sexual activity occurred. This information should be placed on the same CFS-40 form. In this instance, only information pertaining to any children fifteen-years old or younger should be documented. Remember that each CFS-40 form should only contain child information relating to children from one family. Information regarding children in separate families needs to be documented on separate CFS-40 forms. The information pertaining to this contact (mutual sexual activity) should be reflected in fields #18 through #30 (Child and Incident Information). Fields #14 through #16 (Maltreater Information) are not completed in cases of mutual sexual activity because there is no maltreater, however, in this case because it was alleged that sexual abuse occurred, information pertaining to this person is contained in fields #14 through #16 (Maltreater Relationship). Code “25” (Mutual sexual activity) should be added in field #28 (A/N type) with a finding of substantiated in field #30 (Findings). The code of “94” (Mutual Sexual Activity) should be used in field #25 (Maltreater Relationship) for all cases of mutual sexual activity. Remember to also place the code of “94” (Mutual sexual activity) in one of the boxes in field “29” (Maltreater Involved). *Reference examples 1, 3 and 4 for further illustration.*

**Q.** If a referral is received alleging that an 11 year-old sexually abused a 9 year-old (non-familial), do I have to substantiate the 11 year-old as a maltreater? If not, but I know that the 11 year- old was the one to initiate and impose the contact on the 9 year-old, how do I accurately document that the 9 year-old was abused without substantiating the 11 year-old as the maltreater?

- A.** Counties are not required to substantiate a particular person as a maltreater. Careful consideration should be given when making these individual decisions. Remember that due to a child's age, maturity and development, it may be inappropriate to substantiate a young child as a maltreater. *(Please refer to Numbered Memo DCFS 99-12 Case Finding Determinations in Cases of Child Abuse and Neglect for more specific information).* However there are situations when it is appropriate and necessary to identify a child as a maltreater. Some conditions that raise considerable concern are children with sexually aggressive behaviors and children whose behaviors present as dangerous. In these situations, in order to assure services to the maltreater and provide protection to others, it may be necessary to identify a child as a maltreater.

If it is found that contact that was not mutual did occur, but a child is not being substantiated as a specific maltreater due to age, maturity and/or development, this should be clearly documented in the record, as well as on the CFS-40 form. To accurately document this information on the CFS-40 form, fields #13 - #16 (Maltreater Information) should be completed with the information on the alleged maltreater (child involved in the contact). Information pertaining to the alleged victim should be contained in fields #18 through #30 (Child and Incident Information). Field #25 (Maltreater Relationship) should contain one of the new codes under the heading of "Child in Need of Services." (Please refer to "DCS-40 Child Abuse and Neglect Investigation Report Instructions" booklet and the codes on the back of the CFS-40 form.) In the above case, the correct code to place in field #25 (Maltreater Relationship) would be "69" [Other child NM (Not Mature)]. The reasons and justification for this decision should be fully explained in the record. *(This is further illustrated in case example #7)*

The following examples give case specific information and demonstrate how to accurately document information on the CFS-40 form.